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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,649	07/13/2001	Stefan Gierl	Westphal.6321	2679
7590 06/16/2005			EXAMINER	
Samuels, Gauthier & Stevens LLP Suite 3300 225 Franklin street Boston, MA 02110			NGUYEN, QUYNH H	
			ART UNIT	PAPER NUMBER
			2642	

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/905,649

Applicant(s)

GIERL, STEFAN

Examiner

Quynh H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 102***

2. Claims 1, 6-10 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Rudolph et al. (U.S. Patent 6,188,447).

Regarding claim 1, Rudolph et al. teach the method for operating a radio/television reception system that includes a plurality of receivers (Fig. 1, receivers 2 and 5) assigned to a common output device (Fig. 1), in which one of the receivers is always designated as an audio receiver (receiver 2), and another of the receivers is designated as a search receiver (receiver 5), said method comprising:

stepping the search receiver through its frequency band for a frequency signal value associated with the same transmitter and determining a measure of the signal strength of said frequency signal value (col. 3, lines 46-57 and col. 4, lines 11-14);

comparing the signal strength of the signal received by the search receiver and the signal strength of the signal received by the audio receiver (col. 3, lines 55-61 and col. 4, lines 14-18);

tuning the audio receiver to said frequency signal value if the measure of the signal strength of said frequency signal value is better than the measure of

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the signal strength associated with the current signal received by the audio receiver (col. 3, lines 61-62); and

repeating said steps of stepping, comparing and tuning (col. 3, line 67 – where Rudolph discussed continues searching, hence the steps of comparing and tuning will follow the searching step once better signal strength found).

Regarding claim 6, Rudolph et al. teach the steps of:

a first receiver (Fig. 1, receiver 2) that is tuned to receive a signal from a certain transmitter and provide a received signal indicative thereof and a first quality signal indicative of signal strength of the received signal (col. 3, lines 35-36 and lines 38-45);

a second receiver (Fig. 1, receiver 5) that is automatically scanned through its associated reception range to identify a frequency signal value associated with the transmitter (col. 3, lines 46-59 and col. 4, lines 11-14);

wherein the first receiver compares the first quality signal and the second quality signal and tunes to the frequency signal value if the second quality signal indicates a better signal quality (superior quality) than the first quality signal (col. 3, lines 59-67). Rudolph's frequency diversity system is inherently usable in a vehicle.

Regarding claim 7, Rudolph et al. teach a bus to which the first and second receivers are connected and over which the first and second receivers communicate (hybrid circuit 18).

Regarding claims 8-10, Rudolph et al. teach an audio processing unit (Fig. 1, 8) couple the first receiver to receive the receiver signal and provide an output signal indicative thereof, a controller and an a microprocessor (Fig. 1, 3).

Regarding claim 12, Rudolph et al. teach the second receiver receives an identification signal over the bus indicative of the transmitter (col. 3, lines 50-59).

### ***Claim Rejections - 35 USC § 103***

3. Claims 2-5, 11, and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rudolph et al. (U.S. Patent 6,188,447) in view of Taromaru et al. (U.S. Patent 5,548,836).

Regarding claim 11, Rudolph et al. do not teach the first and second receivers each include their own uniquely associated antenna.

Taromaru et al. teach the first receiver 30 and second receiver 40 each include their own uniquely associated antennas 10 and 20.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of the receiver includes an antenna in order to receive radio wave for the receiver, as taught by Taromaru (col. 2, lines 43-48).

Regarding claim 2, Taromaru et al. teach computing the difference between the field strengths, providing a difference signal value indicative thereof, and comparing the difference signal value to a threshold value (col. 2, lines 12-29).

Regarding claim 3, Rudolph et al. teach the threshold value is a fixed threshold value (col. 3, lines 57-62).

Regarding claim 4, Taromaru et al. teach the threshold value is a set relative to the quality of a frequency found by the search receiver (col. 2, lines 12-22).

Regarding claim 5, Rudolph et al. teach transmitting the frequency found by the search receiver to the audio receiver, and tuning the audio receiver to this frequency (col. 3, lines 59-62).

Regarding claim 13, Rudolph et al. do not teach the bus comprises a MOST bus. There are different types of bus, but all serve the same purpose of communicating between receivers.

Regarding claim 14, Rudolph et al. teach the first receiver transmits the identification signal onto the comparator 50. Obviously, the first receiver transmits the identification signal onto the bus if the comparison takes place there.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments are addressed in the above claims rejections.

Furthermore, Applicant argues that nowhere in Rudolph discloses the provision of a quality signal. Examiner respectfully disagrees. Rudolph does teach (col. 2, lines 2-4 – where Rudolph discussed frequency of higher quality

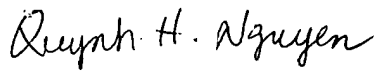
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and lines 9-12 – where Rudolph discussed the highest quality signal and col. 3, lines 60-61 – where Rudolph discussed the reception quality of reference transmitter 5 is of superior quality) that the provision of a quality signal.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:15 A.M. to 4:45 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**Quynh H. Nguyen**  
**Patent Examiner**  
**Art Unit 2642**